

### **REMARKS**

Applicants have carefully studied the outstanding Office Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

In the application as examined, claims 70 - 138 are pending, of which claims 86 - 87, 104 - 105 and 119 - 120 were withdrawn. Claims 1 - 69 were previously cancelled.

In the present response, claim 118 is amended. Claims 70 - 85, 88 - 103, 106 - 117 and 121 - 138 are unchanged. Withdrawn claims 86 - 87, 104 - 105 and 119 - 120 are cancelled without prejudice.

Claim 118 is objected to because of informalities. Applicants have amended claim 118 to overcome the objection.

Claims 81, 98 and 114 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner wrote:

“It is unclear how one transporter can include a plurality of transporters. There is no disclosure that teaches or describes such an element.” (Office Action, page 3, paragraph 3)

Applicants note that each of claims 81, 98 and 114 recite “said at least one transporter comprises a plurality of transporters” and not “said one transporter comprises a plurality of transporters.” Applicants respectfully submit that an evacuation system including a plurality of transporters is clearly shown in Fig. 1 and described in the specification in the second paragraph on page 7 of the application as filed (paragraph [0038] of the application as published in U.S. Patent Publication No. 2006/0054420). The phrase “said at least one transporter comprises a plurality of

transporters” clearly recites an embodiment of the system shown in Fig. 1 including a plurality of transporters, each of which may include one or more platforms.

Claims 70 - 77, 80 - 85, 88 - 94, 97 - 103, 106 - 110, 113 - 118 and 121 - 138 stand rejected under 35 USC 103(a) as being unpatentable over Reed (U.S. Patent No. 4,732,235) in view of Kucher et al (U.S. Patent No. 4,640,384). Claims 78 - 79, 95 - 96, 101 and 111 stand rejected under 35 USC 103(a) as being unpatentable over Reed and Kucher et al and further in view of Fitzgerald (GB Patent No. 1424366).

Reed describes collapsible scaffolding including a number of platforms which can be suspended in spaced vertical array by chains secured to the corners of the platform, and arranged at the top for the support of the scaffolding by a crane or a horizontally movable trolley. Kucher describes an emergency evacuation system for a high-rise building including a cable carried on a spool positioned on the top of the building. Fitzgerald describes a portable or collapsible fire escape including a plurality of platforms.

In the rejection of claims 70, 88 and 106 the Examiner wrote:

“Reed discloses a scaffolding system (see figures 1-4 and respective portions of the specification). Reed further depict having at least one lowerable, collapsible, multiple-platform, mutually spicable, generally vertical transporter (i.e. scaffolding) (see figures 1-4) ... Reed does not explicitly describe a controller to control the winch for lowering the scaffolding (i.e. transporter) for evacuation of a building. Nonetheless, Kucher et al. discloses an evacuation system having a transporter which uses a winch that is driven by a motor that is controlled by a controller to lower and raise the transporter from one floor to a level at which a person can safely egress in case of emergency.” (Office Action, paragraph bridging pages 4-5)

Applicants respectfully disagree with the Examiner's characterization of the scaffolding of Reed as a 'transporter.' Reed does not show or suggest moving the scaffolding to transport anything, either a person or material. The only movement of the platforms in the scaffolding of Reed is during collapsing of the platforms and opening of the platforms from a collapsed state, at which time the platforms are not in use and are empty, as seen in Figs. 1-4 and the description thereof. In contrast, the transporter of the present invention is used to transport the platforms, after they have been positioned at one level and loaded, to a different level of a building at which egress may safely occur.

Not only does Reed not show or suggest using the scaffolding as a transporter, Reed specifically teaches that movement of people from one platform of the scaffolding to another is not accomplished by transporting the scaffolding. Reed writes:

"A winch may be included at the top of each additional cable, perhaps on the top platform, but whether such a winch is used or an external winch, it will be clear that at least the lowest platforms can be very quickly raised merely by winching in if for example the sea becomes very rough quickly. It is only necessary for people on the lowest platforms to climb up to higher platforms before winching can commence." (Reed, column 1, lines 45-52, emphasis added)

As seen in the highlighted portion above, the platforms of the scaffolding of Reed need to be empty before they can be moved. Thus, the scaffolding of Reed is not a transporter.

While Kucher does show a transporter, Kucher does not show or suggest either a collapsible transporter or a multi-platform transporter. Thus, the combination of Reed and Kucher does not show or suggest either a collapsible transporter or a multi-platform transporter.

Applicants further note that the fire escape of Fitzgerald also does not show or suggest a transporter.

Applicants therefore submit that none of the prior art, either alone or in combination, show or suggest the evacuation system and method for evacuation of the present invention, as recited in claims 70 and 121, respectively, including, inter alia, at least one lowerable, collapsible, generally vertical transporter, and that claims 70 and 121 are therefore patentable.

Applicants submit that none of the prior art, either alone or in combination, show or suggest the evacuation system of the present invention, as recited in claims 88 and 106, including, inter alia, at least one lowerable, multiple-platform, generally vertical transporter, and that amended claims 88 and 106 are therefore patentable.

Applicants submit that none of the prior art, either alone or in combination, show or suggest the method for evacuation of a building of the present invention, as recited in claims 126 and 131, including, inter alia, at least one lowerable, multiple-platform, generally vertical transporter, and that amended claims 126 and 131 are therefore patentable.

Applicants submit that none of the prior art, either alone or in combination, show or suggest the method for simultaneously lifting people to multiple levels of a building of the present invention, as recited in claim 135, including, inter alia, positioning at least one liftable, multiple-platform, generally vertical transporter, and that amended claim 135 is therefore patentable.

Claims 71 - 85 depend directly or ultimately from claim 70 and recite additional patentable subject matter and are therefore patentable. Claims 89 - 103 each depend directly or ultimately from claim 88 and recite additional patentable subject matter and are therefore patentable.

Claims 107 - 118 depend directly or ultimately from claim 106 and recite additional patentable subject matter and are therefore patentable. Claims 122 - 125 each depend directly or ultimately from claim 121 and recite additional patentable subject matter and are therefore patentable.

Claims 127 - 130 depend directly or ultimately from claim 126 and recite additional patentable subject matter and are therefore patentable. Claims 132 - 134 each depend directly or ultimately from claim 131 and recite additional patentable subject matter and are therefore patentable. Claims 136 - 138 depend directly or ultimately from claim 135 and recite additional patentable subject matter and are therefore patentable.

In view of the foregoing, all of the claims are deemed to be allowable. Favorable reconsideration and allowance of the application is respectfully requested.

Dated: November 16, 2009

Respectfully submitted,

By /Mitchell Bernstein/ Reg. No. 46,550 for  
S. Peter Ludwig

Registration No.: 25,351  
DARBY & DARBY P.C.  
P.O. Box 770  
Church Street Station  
New York, New York 10008-0770  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant